

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tazwell L. Anderson Jr., et al.

Serial No.: 09/386,613

Filed: August 31, 1999

For: AUDIO/VIDEO SYSTEM AND METHOD
UTILIZING A HEAD MOUNTED
APPARATUS WITH NOISE ATTENUATION

Art Unit: 2611

Examiner: Vu, Ngoc K.

DECLARATION UNDER 37 CFR 1.132

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P.O. Box 1450
Alexandria, VA 22313-1450

I, the undersigned, declare and state as follows:

1. I have reviewed and understand the specification and drawings of U.S. Application 09/386,613 (hereafter "Subject Application").
2. I have reviewed and understand the claims of the Subject Application (hereafter "Claimed Invention").
3. The claimed invention was conceived of by the undersigned at least prior to November of 1998.

FACTS AND DOCUMENTARY EVIDENCE

4. Factual evidence proving the statements made in this Declaration can be found hereafter and in the attached documents (Appendices A-D).
5. The undersigned conceived of the claimed invention for a portable audio/visual device to be used at auto racing events by spectators to enhance the spectators experience on or before June of 1998.
6. Appendix A attached hereto sets forth portions of a powerpoint presentation prepared by the undersigned in connection with developing an operating prototype of the claimed invention. On information and belief, the presentation was prepared in June of 1998. The presentation was intended for a Mr. Billy Jones, a potential investor. The presentation covered, among other things, a demonstration of a head mounted display, a discussion of the business model, a discussion of the business plan implementation, as well as the financial requirements. In the head mounted display demonstration, an i-

Glasses device was provided with stereo sound from the speakers and a 3D capability was presented in the display. Two 320 pixel by 240 pixel LCDs were used for the display. A video tape of a race-cam video with 3D animation was presented on the head mounted display device. The i-Glass device included a display, noise reduction devices to be placed over both ears and speakers to play select audio signals.

7. As shown in the Business Model portion of the presentation sections at Appendix A, the claimed invention represents an innovative concept that capitalized on a unique opportunity. A combination of off-the-shelf technologies was arranged in a new and unique manner. The off-the-shelf technologies utilized a HMD display. An improved LCD and improved circuitry were to be added to the HMD device, and repackaged in a new enclosure. A walkman-style TV tuner would be provided for receiving the audio and image signals. A rechargeable battery would be used to drive the device. The race-cam video at an auto race would be received by the HMD device as a direct signal or through re-transmission from a control van located near the event.

8. By the time of the preparation of the presentation set forth at Appendix A, the claimed invention had sufficiently developed to prepare specific revenue projections for the 1998 NASCAR racing year. As shown in the slide titled "Revenue Generation Within 9-12 Months", the unit cost for retail sale was projected to be \$500, with a \$50 per race rental fee target. In the 1998 NASCAR schedule, 59 races occurred in the Winston and Busch Series' races combined. A Gross Profit per season per Unit was projected at \$2950 which was then extrapolated per season for various targeted numbers of unit sales.

9. Appendix B attached hereto constitutes an email communication between Mark Wood and Steve Ochs. The email correspondence was sent on or about June 29, 1998 attaching a presentation, a portion of which is set forth at Appendix A.

10. Appendix C sets forth an email communication between Mark Wood and a consultant, on or about July 1, 1998. In the July 1 correspondence, it is explained that a video tape race-cam in car footage was generated and combined with the 3D animation and stereoscopic 3D video HMD device. Thus, by July 1, 1998, the HMD device shown in Appendix A was used to present audio and image signals (still or video) from an auto race event.

11. Appendix D sets forth correspondence from Mark Wood on July 2, 1998 discussing the retransmission signals from 7-15 cars as a multiplexed signal on a carrier frequency that is received by the individual units with the head mounted display device. The user would select the desired car of choice which is de-multiplexed from the carrier, thereby enabling the user the option "to be in any car", as opposed to having units tuned only to a specific car. Thus, by July 2, 1998, we had conceived of the embodiment in which multiplexed, modulated audio and image signals were transmitted wirelessly to a receiver, from which an user selected desired signals.

12. Based on the foregoing facts, the claimed invention was at least conceived by the inventors on or before June of 1998. The undersigned inventors were diligent from the

conception of the claimed invention, up through actual reduction to practice and up through constructive reduction to practice of the claimed invention, by filing the subject application with the U.S. Patent and Trademark Office.

DECLARATION

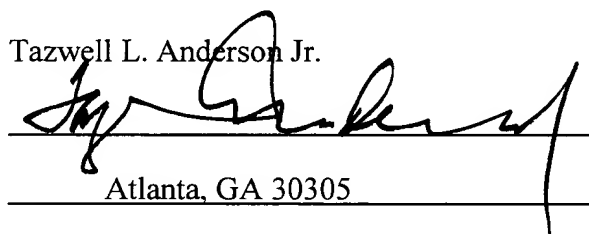
As the person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application and any patent issued thereon.

SIGNATURE

SOLE INVENTOR(S)

Full Name: Tazwell L. Anderson Jr.

Signature: 

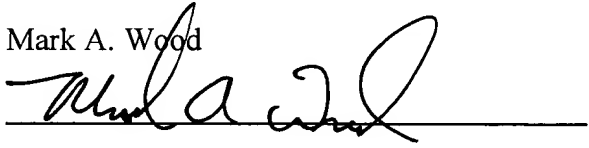
Date: 6-28-05

Residence: Atlanta, GA 30305

Citizenship: US

Post Office Address: 3690 Northside Drive, Atlanta, GA 30305

Full Name: Mark A. Wood

Signature: 

Date: 6/30/05

Residence: Boca Raton, Florida 33432

Citizenship: US

Post Office Address: 249 Northwest 15th Street, Boca Raton, Florida 33432

The following are attached and made a part hereof:

Attachment A: Powerpoint presentation prepared by the inventors in connection with developing an operating prototype of the claimed invention.

Attachment B Email communication between Mark Wood and Steve Ochs sent on or about June 29, 1998 attaching powerpoint presentation.

Attachment C: Email communication between Mark Wood and a consultant on or about July 1, 1998.

Attachment D: Correspondence from Mark Wood on July 2, 1998 discussing the retransmission signals as a multiplexed signal on a carrier frequency that is received by the individual units with the head mounted display device.

APPENDIX A

IMMERSSION

entertainment

Proprietary Information

IMMERSSION

Presentation to Mr. Billy Jones

- *HMD demonstration*
- *Business model*
- *Business plan implementation*
- *Financial requirements*
- *Unknowns*
- *Risks*
- *Elements of a successful start-up*

Presentation to Mr. Billy Jones

- *HMD demonstration*
- *Business model*
- *Business plan implementation*
- *Financial requirements*
- *Unknowns*
- *Risks*
- *Elements of a successful start-up*

Proprietary Information

max-protection
SOLUTION

HMD Demonstration

- *i-Glasses*

- NTSC video, dc power
- Adjustable headband, weighs 8 oz
- Stereo sound with 3-D capability
- Two 320 pixel x 240 pixel (1/4 VGA) LCDs
- \$580 retail/PC Connectivity \$225 additional
- 40,000 sold @ \$800 prior to Chapter 11
- Estimated manufactured cost \$200-300



- *Video of Racecam footage, 3-D video and 3-D animation*



Proprietary Information

Presentation to Mr. Billy Jones

- *HMD demonstration*
- *Business model*
- *Business plan implementation*
- *Financial requirements*
- *Unknowns*
- *Risks*
- *Elements of a successful start-up*

Proprietary Information

MAXTRON
INCORPORATED

Business Model

- *Innovative concept that capitalizes on a unique opportunity*
- *Off-the-shelf technology requires minimal design effort*
- *Initial market has restricted entry to eliminate competition*
- *Staged implementation to minimize investment risk*
- *Significant revenue generation within 9-12 months*
- *Provides entrée into a dynamic market with long term growth*

Innovative Business Concept

- *Head Mounted Display (HMD) rental at racetracks*
- *Provide Racecam video to fans to place them closer to the action*
- *Capitalize on the Racecam video signal that exists at every race*
- *Minimal hardware development (ruggedize existing components)*
- *High HMD unit cost issue is negated by unit rentals*
- *Large off track market for sale of HMD's and pay-per-view*
- *Entrée into cable TV, DBS, Web TV and DVD sales/rentals*

Off-the-Shelf Technology

- *NTSC quality HMDs currently exist (i-GlassesTM etc.)*
- *Incorporating improved LCD's or circuitry is low risk*
- *Minimal effort to design a ruggedized "rental" enclosure*
- *Will procure "walkman" style TV tuner with proper frequencies*
- *Rechargeable Lithium Hydroxide battery packs are available*
- *Graphic overlay development is minimal*
- *Can receive direct signal or re-transmit feed from control van*

Revenue generation within 9-12 months

- Assume: (using 1998 NASCAR schedule)
 - @\$500-\$800 cost per unit
 - \$50/race rental fee (50 channel radio scanner is \$35/day)
 - Initially at NASCAR races only (Winston & Busch Series)
 - 59 races (35 Winston & 18 Busch races on Saturday + 6 extra Busch races)
- Rental revenue per HMD which is rented for all 59 races is \$2,950
- Gross rental revenue per season for 1,000 units - \$ 2,950,000
- Gross rental revenue per season for 5,000 units - \$14,750,000
- Gross rental revenue per season for 10,000 units - \$29,500,000
- Gross rental revenue per season for 15,000 units - \$44,250,000

APPENDIX B

-----Original Message-----

From: Mark Wood <markalanwood@worldnet.att.net>

To: sjochssr@earthlink.net <sjochssr@earthlink.net>

Date: Monday, June 29, 1998 8:04 PM

Subject: Update to HMD Presentation

Steve - Here is an update of the presentation. Let me know what you think. Any luck contacting Billy Jones?

Mark

APPENDIX C

-----Original Message-----

From: Mark Wood <markalanwood@worldnet.att.net>

To: Imagesys33@aol.com <Imagesys33@aol.com>

Date: Wednesday, July 01, 1998 10:30 AM

Subject: Latest Update

Oliver - Sorry I have been late in getting back to you, but I have been working around the clock getting everything ready. I have completed a Power Point presentation (70 pages) that covers everything from soup to nuts regarding the opportunity. Have also put together a video tape showing racecam in car footage at Road Atlanta, Mid-Ohio during a race, NASCAR Pocono 500 during a race, 3-D animation and stereoscopic 3-D video that I ordered. Even with the poor resolution of the i-glasses, it is impressive if you have never seen an HMD presentation.

We have our meeting with the potential investor on Tuesday at 6 P.M. He owns a fiberoptic cable installation company that installs fiber optic cable nationwide for Cable TV companies and phone companies. He also owns a couple of cable TV stations in Virginia, and he is a former NASCAR driver. He also owns the NASCAR team that his son races for, so we couldn't ask for a better opportunity. We haven't told him the details, just that we have a business opportunity that involves NASCAR, high technology, Cable TV and the content development, and he went crazy. Keep your fingers crossed.

Will begin very shortly to develop the product definition for the HMD. Will be considering a variety of things that we must consider including but not limited to:

- Cost
- Resolution of LCD's
- brightness outdoors
- shielding the image from the sun
- power requirements and batteries
- 3-D capability
- weight
- adjustability
- hygiene
- eyeglass compatibility
- exposure to the elements
- ruggedness
- how to receive the racecam signal
- how many channels in the receiver
- repairability/maintainability
- FCC requirements
- styling
- other ergonomic issues (head up/head down/flip up/how it rests on head, etc.)

It is my intention to have DisplayWear and IDA work very closely on the design. I think the combined capabilities and experiences of the two companies will provide some great synergy.

Re your comment about transmissive LCD's and ordering in quantities of 100,000, what type of price break would we see if we ordered that many? My mind is going a million miles an hour thinking about all the possibilities. I will keep you advised of the results of this first meeting. As soon as we are funded it is my intention to fly out to the Bay area so we can sit down and finalize everything.

Have a great 4th of July.

Mark

APPENDIX D

-----Original Message-----

From: Mark Wood <markalanwood@worldnet.att.net>
To: Imagesys33@aol.com <Imagesys33@aol.com>
Date: Thursday, July 02, 1998 2:04 PM
Subject: Re: Several Questions

>Oliver - Only got part of your message. The rest didn't come through.

>

>What I envision eventually is a retransmitting the racecam signals from
>the 7-15 or so cars as a multiplexed signal on a carrier freq that is
>received by the individual unit w/HMD. The user then selects the
>desired car of choice which is demultiplexed from the carrier. This
>enables the user the option to be in any car, as opposed to having
>units tuned only to a
specific

>car. I am not a communications engineer, so I know just enough to be
>extremely dangerous. I do realize that we are looking at FCC licensing
>of this rebroadcast signal at the track unless we can keep the power
>down so that Part 15 applies. I'm not sure that that is possible, but
>a site license for just the one or two days that we are at the track
>should not be very expensive. I don't have too much of an idea about
>the cost of the transmission set-up, but we are obviously looking at
>some type of control van setup. That is why I like the idea of staging
>the introduction by staying in the luxury boxes at first so we can
>hardwire the existing output from the TV production control van to
>patchpanels in the boxes and direct wire the HMDs so that they can
>selectively switch between cameras just like you switch between
>channels on an airline flight.

>

>Mark

>-----Original Message-----

>From: Imagesys33@aol.com <Imagesys33@aol.com>
>To: markalanwood@worldnet.att.net <markalanwood@worldnet.att.net>
>Date: Thursday, July 09, 1998 1:54 PM
>Subject: Re: Several Questions

>

>

>>I am working on getting information by Friday.

>>

>>One thing in your last email was interesting:

>>

>>"5. Any guesses on the power requirements for the HMD? I have a pretty
good

>>idea on the TV receiver requirements, but I will need the HMD power

>>usage

>to

>>guestimate battery/power supply needs and thus costs."

>>

>>I think I have a different notion of what the system is than you do,

>>and I

>am

>>trying to come into synch.

>>

>>So I have quesitons.

>>
>>
>>1. Trying to understand what you are thinking of in saying "the TV
>receiver
>>requirements".
>>
>>I infer you are thinking of using a cheap color battery-powered TV
receiver
>as
>>your man-pack radio receiver.
>>
>>
>>the HMD as a sort of channel-4 TV receiver, taking in channel-4
>>composite
>TV
>>signal and displaying sound and imagery.
>>
>>
>>1. Assume the HMD is made so it is just a channel-4 TV receiver. I
>>think this
>>
>

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Application Number 09/386,613

Filing Date August 31, 1999

First Named Inventor Tazwell L. Anderson

Art Unit 2611

Examiner Name Vu, Ngoc K.

Attorney Docket Number 20973-12

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| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
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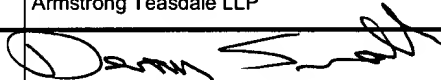
Declaration under 37 CFR 1.132 to accompany RCE filed July 8, 2005.
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Armstrong Teasdale LLP

Signature



Printed name

Dean D. Small

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Applicant: Tazwell L. Anderson et al. :
Serial Number: 09/386,613 : Group Art Unit: 2747
Filed: August 31, 1999 : Examiner: Vu, Ngoc K.
For: AUDIO/VIDEO SYSTEM AND :
METHOD UTILIZING A HEAD :
MOUNTED APPARATUS WITH NOISE :
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- Appendix A (9 pgs.)
- Appendix B (1 pg.)
- Appendix C (1 pg.)
- Appendix D (2 pgs.)
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